



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MARCH 22, 2012

Invocation: Rick Randall, Sr. Chaplain, APD Chaplaincy Program

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 22, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

Council Member Morrison was absent from the meeting.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of March 6, 2012, special work session of March 7, 2012, regular meeting of March 8, 2012 and special called meeting of March 15, 2012.
The minutes from the City Council work session of March 6, 2012, special work session of March 7, 2012, regular meeting of March 8, 2012, and special called meeting of March 15, 2012 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
2. Approve Service Extension Request No. 3077 for wastewater service to 1205 Constant Springs Drive located within the Drinking Water Protection Zone and the City's 2-mile extraterritorial jurisdiction.
The motion to approve the service extension request number 3077 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
3. Authorize the negotiation and execution of a developer agreement with D 71, L.P. to reimburse costs to construct an oversized 24-inch water transmission main and appurtenances related to Service Extension Request No. 3046 to provide water service to the 71 Commercial development located at 4650 E. SH 71 for a total reimbursement not to exceed \$1,098,077.50.
The motion authorizing the negotiation and execution of a developer agreement with D 71, L.P. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

Item 4 was pulled for discussion.

5. Authorize the negotiation and execution of a developer agreement with Continental Homes of Texas, L.P. to reimburse costs to construct an oversized 16-inch water line and appurtenances related to Service Extension Request No. 3025 to provide water service to the Pioneer Hill development located at 10217 Dessau Road for a total reimbursement not to exceed \$429,525.
The motion authorizing the negotiation and execution of a developer agreement with Continental Homes of Texas, L.P. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
6. Authorize the negotiation and execution of an interlocal agreement between the City of Austin and the University of Texas at Austin for water and wastewater infrastructure improvements along a portion of Robert Dedman Drive for an amount not to exceed \$235,000.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the University of Texas at Austin was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
7. Approve an ordinance amending the Fiscal Year 2011-2012 Support Services Fund Operating Budget (Ordinance No. 20110912-005) to increase the Beginning Balance by \$2,106,620 to appropriate \$1,029,986 into the Office of the City Clerk for the May 2012 Municipal Election and decrease the Support Services Fund Ending Balance by \$1,029,986.
Ordinance No. 20120322-007 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
8. Authorize funding in the amount of \$4,962,835 and the negotiation and execution of amendments for the Bartholomew and West Enfield Pool Facilities Construction Work Packages and changes to the work for the Deep Eddy Pool Improvements of the PARD Aquatics Facilities Improvements Design Build Project with Design-Builder CHASCO CONSTRUCTORS, LTD., L.L.P., Round Rock, TX for a final Guaranteed Maximum Price not to exceed \$8,000,000. (Notes: The remaining Work Package Amendments will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Construction Participation Goals for Bartholomew Construction Work Package are: 1.02% African American, 2.75% Hispanic, 0.47% Native/Asian, and 1.08% WBE; and Construction Participation Goals for West Enfield Construction Work Package are: 1.45% African American, 2.39% Hispanic, 1.01% Native/Asian, and 1.48% WBE. MBE/WBE participation to date for Preliminary Phase Services for all three pool site is: .91% African American, 14.91% Hispanic, 11.39 Native/Asian American, and 33.27 WBE. Participation to date for construction phase services currently underway at Deep Eddy is: 0.00% African American, 0.00% Hispanic, 0.49% Native/Asian American, and 1.39% WBE.)
The motion authorizing the funding and the negotiation and execution of amendments with Chasco Constructors, Ltd., L.L.P. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
9. Authorize execution of a construction contract with KIVA, INC., Buda, TX for the BAE Reclaimed Water Line project in the amount of \$556,670.05 plus a \$55,667.01 contingency, for a total contract amount not to exceed \$612,337.06. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 4.30% MBE and 2.83% WBE subcontractor participation)
The motion authorizing the execution of a construction contract with Kiva, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
10. Authorize execution of a construction contract with PRISM DEVELOPMENT, INC., (DBE/MH-81.66%), Austin, TX for ADA Ramp & Bus Stop Improvements 2012 City Wide in the amount of \$860,243.50 plus an \$86,024.35 contingency, for a total contract amount not to exceed \$946,267.85

(Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 81.66% prime and 1.78% DBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Prism Development, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

11. Authorize execution of a construction contract with RESTOCON CORPORATION, Houston, TX for the 2nd Street Parking Garage Waterproofing project in an amount not to exceed \$141,242. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 3.67% MBE and 4.59% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Restocon Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

Item 12 was pulled for discussion.

13. Authorize negotiation and execution of an amendment to the professional services agreement with ATKINS NORTH AMERICA INC, Austin, Texas, for engineering services for Loop 360 Area Water Improvements Project in the amount of \$20,616.43, for a total contract amount not to exceed \$3,286,307.75. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program) with 3.94% MBE and 31.40% WBE subconsultant participation to date)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Atkins North America Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

14. Authorize negotiation and execution of an amendment to the professional services agreement with CP&Y, INC., Austin, TX, for engineering services for the Walnut Creek Wastewater Treatment Plant (WWTP) Water Resource Initiative (WRI) Tank Assessment & Repairs and High Service Pump Station Improvements project in the amount of \$405,865, for a total contract amount not to exceed \$857,171. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 19.70% MBE and 22.76% WBE subcontractor participation to date.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with CP&Y, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

Item 15 was pulled for discussion.

16. Authorize negotiation and execution of an amendment to the professional services agreement with CARTER DESIGN ASSOCIATES, INC. (MBE/FB- 60%), Austin, Texas, for architectural and engineering services for George Washington Carver Historic Museum Interior Renovation in the amount of \$11,000, for a total contract amount not to exceed \$1,222,194. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 30.3% MBE Prime and 11.76% MBE and 16.76% WBE subconsultant participation to date.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Carter Design Associates, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

17. Authorize execution of a construction contract with QUEST CIVIL CONSTRUCTORS TEXAS, LLC, Phoenix, AZ for the Govalle Tunnel Centralized Odor Control Phase I and II project in the amount of \$3,903,422 plus a \$195,171.10 contingency, for a total contract amount not to exceed \$4,098,593.10. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.16% MBE and 2.32% WBE subcontractor participation)
The motion authorizing the execution of a construction contract with Quest Civil Constructors Texas, LLC. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
18. Authorize negotiation and execution of a design and commission agreement with The Art Guys - John A. Massing and Michael Galbreth, Ken Dawson Little, Anthony Thompson Shumate and Gary Sweeney for artwork for the Lady Bird Lake Boardwalk Trail, in an amount not to exceed \$264,000.
The motion authorizing the negotiation and execution of a design and commission agreement with The Art Guys – John A. Massing and Michael Galbreth, Ken Dawson Little, Anthony Thompson Shumate and Gary Sweeney was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
19. Approve an ordinance amending City Code Chapter 3-6 to provide for the relocation of wild or abandoned bees that do not threaten human or animal health or interfere with the normal use or enjoyment of public or private property.
Ordinance No. 20120322-019 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
20. Authorize negotiation and execution of an amendment to the social services contract with RIVER CITY YOUTH FOUNDATION for an additional six-month term beginning April 1, 2012 through September 30, 2012, in a total amount not to exceed \$73,000, for a total contract amount not to exceed \$410,493.
The motion authorizing the negotiation and execution of an amendment to the social services contract with River City Youth Foundation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
21. Authorize negotiation and execution of an interlocal agreement with TRAVIS COUNTY HEALTHCARE DISTRICT dba CENTRAL HEALTH, to assist the Health and Human Services Department fulfill its Community Transformation Grant federal initiative to implement evidence-based policy, systems, environmental, programmatic and infrastructure changes that address tobacco-free living, active living and healthy eating, increased use of high impact quality clinical preventive services, social and emotional wellness, and healthy and safe physical environments, for a one-year term beginning September 30, 2011, in an amount not to exceed \$70,000, with four annual options to renew, in an amount not to exceed \$70,000 per annual renewal option, for a total contract amount not to exceed \$350,000.
The motion authorizing the negotiation and execution of an interlocal agreement with Travis County Healthcare District doing business as Central Health was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
22. Approve appointment of PHILIP P. HUANG, M.D., M.P.H. as Health Authority and designation of PAUL HINCHEY, M.D., BIRCH DUKE KIMBROUGH, M.D., and JOSE G. CABANAS, M.D., each individually, as an Alternate Health Authority for Austin/Travis County Health and Human Services Department effective April 1, 2012.
The motion to approve the appointment of Philip P. Huang, M.D., M.P.H. as Health Authority and designation of Paul Hinchey, M.D., Birch Duke Kimbrough, M. D. and Jose G. Cabanas, M.D. each individually as an alternate health authority for Austin/Travis County Health and Human Services Department was approved on consent on Mayor Pro Tem

Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

23. Approve negotiation and execution of Amendment No 1 to a social service Interlocal Cooperation Agreement with the Austin Travis County Mental Health Mental Retardation Center d.b.a. "Austin Travis County Integral Care" (ATCIC) to continue to provide mental health support services for a (6) six-month term beginning April 1, 2012 through September 30, 2012 in an the amount not to exceed \$840,580.

The motion authorizing the negotiation and execution of amendment number one to a social service interlocal cooperation agreement with the Austin Travis County Mental Health Mental Retardation Center doing business as Austin Travis County Integral Care was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

24. Approve an ordinance amending the Fiscal Year 2011-2012 General Fund Budget Stabilization Reserve Fund (Ordinance No. 20110912-005) by reducing the fund balance in the amount of \$840,580; and amending the General Fund Health and Human Services Operating Budget (Ordinance No. 20110912-005) by increasing appropriations in the amount of \$840,580 to increase funding for Social Services contracts for Austin Travis County Integral Care.

Ordinance No. 20120322-024 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

25. Approve an ordinance amending City Code Chapter 11-1, correcting a clerical error, and relating to the determination of tax exemption amounts for historic landmarks.

Ordinance No. 20120322-025 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

Items 26 and 27 were pulled to be heard after the related Executive Session item.

28. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligation in the amount of \$700,000 for improvements to the Morris Williams Golf Course. Related to item #29.

Resolution No. 20120322-028 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

29. Approve an Ordinance amending the Fiscal Year 2011-2012 Parks and Recreation Department Capital Budget (Ordinance No. 20110912-006) to appropriate \$700,000 for the Morris Williams Golf Course. Related to item #28.

Ordinance No. 20120322-029 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

30. Approve two temporary designated smoking areas at Auditorium Shores for March 30 and 31, 2012, for the Austin Urban Music Festival in accordance with Section 10-6-3 of the City Code.

The motion to approve two temporary designated smoking areas at Auditorium Shores for March 30 and 31, 2012 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

Action was taken on items 31 through 35 but was reconsidered later in the meeting. See below.

Items 36 through 39 were pulled for discussion.

40. Approve execution of an interlocal agreement with the Austin Independent School District for the City of Austin's Historic Preservation Office to provide AISD with evaluation, analysis, and recommendations on properties applying for a historic tax abatement.

The motion to approve the execution of an interlocal agreement with the Austin Independent School District for the City of Austin's Historic Preservation Office was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

41. Approve a resolution to apply for and accept \$84,945 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled APD Juvenile Gang Prevention and Intervention Coordination Project. Related to item # 42.
Resolution No. 20120322-041 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
42. Approve an ordinance accepting \$84,945 in grant funds from the State of Texas, Office of Governor, Criminal Justice Division; and amending the Fiscal Year 2011-2012 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$84,945 for the Austin Police Department project entitled APD Juvenile Gang Prevention and Intervention Coordination Project. Related to item # 41.
Ordinance No. 20120322-042 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
43. Authorize award and execution of a 12-month service contract with CLEANSERVE, INC., to provide cleaning, televising and point repair of sanitary sewer collection system pipes for the Austin Water Utility in the downtown area in an estimated amount not to exceed \$362,750, with two 12-month extension options in an estimated amount not to exceed \$362,750 per extension option, for a total estimated contract amount not to exceed \$1,088,250; and with PIPELINE VIDEO INSPECTION & CLEANING, to provide cleaning, televising and point repair of sanitary sewer collection systems pipes for the Austin Water Utility in city wide areas outside downtown in an estimated amount not to exceed \$394,920, with two 12-month extension options in an estimated amount not to exceed \$394,920 per extension option, for a total estimated contract amount not to exceed \$1,184,760. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation)
The motion authorizing the award and execution of a service contract with CleanServe, Inc. and Pipeline Video Inspection & Cleaning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
44. Authorize award and execution of a 24-month requirements supply agreement with EXCELLANCE OPTO INC., for LED pedestrian traffic signal heads with countdown display & LED pedestrian signal modules for the Transportation Department, in an amount not to exceed \$499,500 with three 12-month extension options in an amount not to exceed \$249,750 for each option, for a total contract amount not to exceed \$1,248,750. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements supply agreement with Excellence Opto, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
45. Authorize award and execution of a 36-month requirements service contract with ALAMO DOOR SYSTEMS OF TEXAS, INC., for overhead door maintenance and repair for various city facilities in an estimated amount not to exceed \$1,200,000 with three 12-month extension options in an estimated amount not to exceed \$450,000 for the first extension option; \$500,000 for the second extension option, and \$550,000 for the third extension option, for a total estimated contract amount not to exceed \$2,700,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code

(Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with Alamo Door Systems of Texas, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

46. Authorize award and execution of a 36-month requirements service contract with KOETTER FIRE PROTECTION, INC., for fire panel maintenance and services for the Austin Water Utility at the Waller Creek Plaza in an estimated amount not to exceed \$110,160, with three 12-month extension options in an estimated amount not to exceed \$36,720 per extension option, for a total estimated contract amount not to exceed \$220,320. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with Koetter Fire Protection, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

47. Authorize award and execution of a 36-month requirement supply contract for schedule 40 PVC brass and/or iron fittings for the Austin Water Utility to be used in water services installations and repairs with ROMAR SUPPLY, INC. in an amount not to exceed \$62,241 with three 12-month extension options in an amount not to exceed \$20,747 per extension option, for a total contract amount not to exceed \$124,482; MUNICIPAL WATER WORKS in an amount not to exceed \$81,708 with three 12-month extension options in an amount not to exceed \$27,236 per extension option, for a total contract amount not to exceed \$163,416; and with FERGUSON ENTERPRISES, in an amount not to exceed \$20,223 with three 12-month extension options in an amount not to exceed \$6,741 per extension option, for a total contract amount not to exceed \$40,446. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirement supply contract with Romar Supply, Inc., Municipal Water Works and Ferguson Enterprises was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

48. Authorize award and execution of a 36-month requirement supply contract with MUNICIPAL WATER WORKS SUPPLY for inserts and couplings for the Austin Water Utility to be used in water services installations and repairs in an amount not to exceed \$66,129, with three 12-month extension options in amounts not to exceed \$22,043 per extension option, for a total agreement amount not to exceed \$132,258. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation)

The motion authorizing the award and execution of a requirement supply contract with Municipal Water Works Supply was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

49. Authorize award and execution of a 36-month requirements service contract with HEARTLAND SERVICES, INC., to provide repair services for rugged laptop computers that are used in public safety vehicles for Wireless Communication Services in an estimated amount not to exceed \$105,000 with three 12-month extension options in an amount not to exceed \$35,000 per option, for a total estimated contract amount not to exceed \$210,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with Heartland Services, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

50. Authorize award and execution of a 24-month requirements service agreement contract with TRIPLE-D SECURITY, or one of the other qualified bidders for IFB-BV No. JSD0211, to provide armored car services at various City locations in an estimated amount not to exceed \$171,438 with two 12-month extension options in an amount not to exceed \$92,200 for the first extension option, and \$96,810 for the second extension option, for a total contract amount not to exceed \$360,448. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation)

The motion authorizing the award and execution of a requirements service agreement contract with Triple-D Security was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

51. Authorize award and execution of a 24-month requirements supply contract with POWELL ELECTRICAL SYSTEMS, INC. for the purchase of 15kV Arc-Resistant Switchgear for Austin Energy in an estimated amount not to exceed \$12,347,692, with two 24-month extension options in an estimated amount not to exceed \$12,347,692 per extension option, for a total estimated contract amount not to exceed \$37,043,076. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Powell Electrical Systems, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

52. Authorize award and execution of a 48-month requirements supply agreement with TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) or any other cooperative purchasing organization contracts available within the State of Texas and authorized by the Austin City Council for the purchase of automotive tires for Fleet Services and Aviation in an amount not to exceed \$6,602,640. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a requirements supply agreement with Texas Multiple Award Schedule (TXMAS), Texas Local Government Purchasing Cooperative (BuyBoard) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

53. Authorize award, negotiation, and execution of a 12-month requirements service contract with OSISOFT LLC for the purchase of additional licenses and maintenance and support services for process integration software for Austin Energy in an estimated amount not to exceed \$127,711, with four 12-month extension options in an estimated amount not to exceed \$79,330 per extension option, for a total estimated contract amount not to exceed \$445,031.

The motion authorizing the award, negotiation and execution of a requirements service contract with OSISOFT LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

54. Authorize award and execution of a contract with PRIESTER-MELL & NICHOLSON INC for the purchase of voltage regulators for Austin Energy in an amount not to exceed \$88,694. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and

Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Priester-Mell & Nicholson Inc. was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member Morrison was absent.

- 55. Authorize award and execution of a six 6-month service contract with TEXAS LAWN & LANDSCAPE SERVICES, or one of the other qualified bidders for IFB-BV No. CB30066, to provide grounds maintenance mowing service for the Parks and Recreation Department's Zones 7 and 10, in amounts not exceed \$26,982 respectively with four 12-month extension options in estimated amounts not to exceed \$53,956 per extension option, for total estimated contract amounts not to exceed \$242,806. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a service contract with Texas Lawn & Landscape Services was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member Morrison was absent.

Item 56 was set for a time certain of 3:00 p.m.

Items 57 through 59 were pulled for discussion.

- 60. Authorize negotiation and execution of a 12-month interlocal agreement in the amount of \$15,000 between the City of Austin and the Capital Area Council of Governments to provide funding and extend the City's involvement in clean air programs.

The motion authorizing the award and execution of an interlocal agreement between the City of Austin and the Capital Area Council of Governments was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member Morrison was absent.

- 61. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments and waivers were approved on consent on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member Morrison was absent.

Board

Nominated By:

Impact Fee Advisory Committee

David Vitanza

Council Member Riley

Waivers

Approve a wavier of the residency requirement in Section 2-1-21 of the City Code for David Vitanza’s appointment to the Impact Fee Advisory Committee.

- 62. Approve an ordinance waiving certain fees and requirements for the HONK!TX event which is to be held March 23 - 25, 2012 at the Adams-Hemphill Park and Republic Square Park; and declaring an emergency. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)

Ordinance No. 20120322-062 was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member Morrison was absent.

63. Approve an ordinance waiving certain fees for the Austin Conference of Minority Transportation Officials (COMTO) Chapter meeting which is to be held Wednesday, March 28, 2012 at Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)
Ordinance No. 20120322-063 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
64. Approve the waiver of certain fees under City Code Chapter 14-8 for the Cesar Chavez "Si Se Puede!" March sponsored by People Organized in Defense of Earth and her Resources (PODER) which is to be held Saturday, March 31, 2012 beginning at 1105 East Cesar Chavez Street and ending at Austin City Hall. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)
The motion to approve the waiver of certain fees for the Cesar Chavez "Si Se Puede!" March sponsored by People Organized in Defense of Earth and her Resources (PODER) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
65. Approve a resolution directing the City Manager to prepare a budget amendment for the April 5, 2012 Council Meeting transferring \$250,000 from the Budget Stabilization Reserve Fund to the Health and Human Services Department Budget and begin negotiations with Southwest Key Programs to establish contracting principles and performance measures so that funds can be allocated as quickly as possible. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)
Resolution No. 20120322-065 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
66. Approve an ordinance directing the City Manager to implement a pilot Street Patio at 609 Congress Avenue. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20120322-066 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
67. Approve a resolution directing the City Manager to make recommendations on a long-term Street Patio program. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20120322-067 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
68. Set a public hearing to receive citizen input on the community's needs for the purpose of developing the City of Austin's Fiscal Year 2012-2013 Action Plan and the Community Development 2012-2013 Program, as required by the U.S. Department of Housing and Urban Development and Texas Local Government Code, Chapter 373. (Suggested date and time: April 5, 2012, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for April 5, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX. on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

Item 69 was briefing items set for 10:30 a.m.

Items 70 through 71 were Executive Session items.

Items 72 through 87 were zoning items set for 2:00 p.m.

Items 88 and 89 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS**Items 36 through 39 were acted on in a combined motion.**

36. Approve second and third readings of an ordinance that adopts a consent agreement for the Southeast Travis County Municipal Utility District 1 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD subject to adoption of an ordinance approving a strategic partnership agreement between the City and the MUD.
Ordinance No. 20120322-036 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 5-1-0 vote. Council Member Morrison was absent. Council Member Riley voted nay. Staff was directed to include in the final documents that the Southeast Travis County Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.
37. Approve second and third readings of an ordinance that adopts a consent agreement for the Southeast Travis County Municipal Utility District 2 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
Ordinance No. 20120322-037 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 5-1-0 vote. Council Member Morrison was absent. Council Member Riley voted nay. Staff was directed to include in the final documents that the Southeast Travis County Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.
38. Approve second and third readings of an ordinance that adopts a consent agreement for the Southeast Travis County Municipal Utility District 3 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
Ordinance No. 20120322-038 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 5-1-0 vote. Council Member Morrison was absent. Council Member Riley voted nay. Staff was directed to include in the final documents that the Southeast Travis County Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.
39. Approve second and third readings of an ordinance that adopts a consent agreement for the Southeast Travis County Municipal Utility District 4 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
Ordinance No. 20120322-039 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 5-1-0 vote. Council Member Morrison was absent. Council Member Riley voted no nay. Staff was directed to include in the final documents that the Southeast Travis County Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.

Items 31 through 35 were acted on in a combined motion.

31. Approve second and third readings of an ordinance that adopts a consent agreement for the Pilot Knob Municipal Utility District 1 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
Ordinance No. 20120322-031 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

A motion to reconsider item 31 was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent.

Ordinance No. 20120322-031 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent. Staff was directed to include in the final documents that the Pilot Knob Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.

32. Approve second and third readings of an ordinance that adopts a consent agreement for the Pilot Knob Municipal Utility District 2 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.

Ordinance No. 20120322-032 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

A motion to reconsider item 32 was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent.

Ordinance No. 20120322-032 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent. Staff was directed to include in the final documents that the Pilot Knob Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.

33. Approve second and third readings of an ordinance that adopts a consent agreement for the Pilot Knob Municipal Utility District 3 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.

Ordinance No. 20120322-0033 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

A motion to reconsider item 33 was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent.

Ordinance No. 20120322-033 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent. Staff was directed to include in the final documents that the Pilot Knob Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.

34. Approve second and third readings of an ordinance that adopts a consent agreement for the Pilot Knob Municipal Utility District 4 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.

Ordinance No. 20120322-034 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

A motion to reconsider item 34 was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent.

Ordinance No. 20120322-034 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent. Staff was directed to include in the final documents that the Pilot Knob Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.

35. Approve second and third readings of an ordinance that adopts a consent agreement for the Pilot Knob Municipal Utility District 5 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.

Ordinance No. 20120322-035 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

A motion to reconsider item 35 was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent.

Ordinance No. 20120322-035 was approved with the following direction on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent. Staff was directed to include in the final documents that the Pilot Knob Municipal Utility District 1 ("MUD") will donate 18 acres for the use of two elementary school sites and will agree to maintain the property until the school is built.

BRIEFING

69. Green Water Treatment Plant Master Development Agreement briefing.
The presentation was made by Kevin Johns, Director of Economic Growth and Redevelopment Services; Andrew Ingram of Thompson & Knight LLP; Darin Smith, Economic & Planning Systems; Sue Edwards, Assistant City Manager; Michael Embesi, City Arborist, Planning and Development Review Department; Fred Evins, Redevelopment Project Manager, Economic Growth and Redevelopment Services; and Adam Nims, Principal, Trammel Crow Company.

CITIZEN COMMUNICATIONS: GENERAL

Rae Nadler-Olenick - Water Fluoridation

Walt Olenick - Water fluoridation

Helen Varty - Mabel Davis Dog Park

Librado Almanza - Cesar Chavez March 3-31-12 assemble @ Terrazas Library 10 AM

Susana Almanza - Celebrate Cesar Chavez birthday, Saturday, March 31st at 10:30 am, at Terrazas Library - 1105 E. Cesar Chavez street. Cesar Chavez march to City Hall

Matthew Sturtevant - Mabel Davis

CAROLANNEROSE KENNEDY - ODE 2 LESLIE : FIRE and RAIN and APRILice 2012 and HiPPAcrapLAW **Not present when name was called.**

Jeannette Heindel - The off leash dog park, Mabel Davis

Clay Dafoe - To be announced

Daniel White - The flowers that bloom in the spring

DISCUSSION ITEMS CONTINUED

Items 58 and 59 were acted on in a combined motion

58. Approve third reading of an ordinance amending Ordinance No. 20070517-064 that awarded a taxicab franchise to Lone Star Cab Company to allow additional taxicab permits, and deleting Part 4 of Ordinance No. 20070517-064 relating to taxicab franchise owner requirements; and discuss the annual calculation of necessary franchise permits, also known as the "formula".
This item was postponed to April 5, 2012 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Morrison was absent.
59. Approve third reading of an ordinance amending Ordinance No. 20100527-047 that renewed a taxicab franchise to Austin Cab Company to allow additional taxicab permits; and discuss the annual calculation of necessary franchise permits, also known as the "formula".
This item was postponed to April 5, 2012 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Morrison was absent.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:32 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss item numbers 26 and 27 on the regular agenda during Executive Session.

70. Discuss legal issues related to Reagan National Advertising of Austin, Inc. v. City of Austin, Cause No. D-1-GN-10-003379; In the 250th Judicial District of Travis County, Texas (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code)
71. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government code).
This item was withdrawn.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:26 p.m.

DISCUSSION ITEMS CONTINUED

15. Authorize execution of change order #11 to the construction contract with TEXAS STERLING CONSTRUCTION CO., San Antonio, TX for the Shoal Creek Allandale Storm Drain Improvement Project in the amount of \$410,198.60 for a total contract amount not to exceed \$6,732,461.65. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 18.31% MBE and 1.94% WBE subcontractor participation to date.)
The motion authorizing the execution of change order number eleven to the construction contract with Texas Sterling Construction Co. in the amount of \$510,198.60 was approved on Council Member Spelman's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent.

ZONING ITEM (HEARINGS CLOSED)

72. C14-2011-0158 - Ethos Riverside - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2117-2129 and 2209-2225 Maxwell Lane (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district

zoning to townhouse and condominium-neighborhood plan (SF-6-CO-NP) combining district zoning with conditions. First Reading approved with conditions on March 1, 2012. Vote: 6-0, Council Member Tovo recused herself. Applicant: Marbella Development, LP (Mitchell Kalogridis). Agent: Granite Development Services (Keith Parkan). City Staff: Stephen Rye, 974-7604.

Ordinance No. 20120322-072 for townhouse and condominium residence-neighborhood plan-conditional overlay (SF-6-NP-CO) combining district with conditions and was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-0 vote. Council Member Morrison was absent. Council Member Tovo recused herself.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

75. C14-2011-0169 - CSK Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7016 East Ben White Boulevard Westbound (Carson Creek Watershed) from limited industrial service-neighborhood plan (LI-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Applicant: CSK Partners, LLC (Chris Whitt). Agent: Garrett-Ihnen Civil Engineers (Steve Ihnen). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to April 5, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

76. C14-79-074(RCT) - CSK Austin RCT1 - Conduct a public hearing to approve a restrictive covenant termination for the property locally known as 7016 East Ben White Boulevard Westbound (Carson Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Applicant: CSK Partners, LLC (Chris Whitt). Agent: Garrett-Ihnen Civil Engineers (Steve Ihnen). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to April 5, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

77. C14-79-285(RCT) - CSK Austin RCT2 - Conduct a public hearing to approve a restrictive covenant termination for the property locally known as 7016 East Ben White Boulevard Westbound (Carson Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Applicant: CSK Partners, LLC (Chris Whitt). Agent: Garrett-Ihnen Civil Engineers (Steve Ihnen). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to April 5, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

78. C14-04-0181.SH(RCA) - Shire's Court - Conduct a public hearing to approve a restrictive covenant amendment for the property locally known as 1910 1/2 Wickshire Lane (Country Club East Watershed). Staff Recommendation: To deny the restrictive covenant amendment. Planning Commission Recommendation: To be reviewed on April 10, 2012. Applicant: Shire's Court, Ltd. (David Mahn). Agent: Benchmark Development (Myra Goepf). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to April 26, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

79. C14-2011-0016 - Helms Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 201 East 34th Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To grant single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on April 10, 2012. Applicant/Agent Farzad Bozorgmehr City Staff Clark Patterson, 974-7691.
This item was postponed on consent indefinitely on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)
80. C14-2011-0157 - Animal Allergy Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2207 Lake Austin Boulevard (Town Lake Watershed) from neighborhood office-neighborhood plan (NO-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Minerva, Ltd. (Doug Kadison). Agent: Animal Allergy Center (Patrick Nichols, DVM). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20120322-080 for neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
83. C14-2012-0001 - 9215 South 1st Street Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9215 South 1st Street (Slaughter Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Slaughter SF, Ltd. (Chris Ellis). Agent: Slaughter SF, Ltd. (Will Marsh). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20120322-083 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
84. C14-2012-0006 - Eco-9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9511 North FM 620 Road (Bull Creek Watershed) from public-conditional overlay (P-CO) combining district, general office-conditional overlay (GO-CO) combining district and rural residence district (RR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining zoning district to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on April 17, 2012. Owner/Applicant: ECO Resources. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwatis, 974-3057.
This item was postponed on consent to April 26, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

85. C14-2012-0007 - D K Ranch Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10711 D-K Ranch Road (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Owner/Applicant: Jae Park and Kil Woo Park. City Staff: Sherri Sirwatis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20120322-085 for single family residence-standard lot (SF-2) district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

86. C14-2012-0009 - 11711 North Lamar Re-Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11711 North Lamar Boulevard (Walnut Creek Watershed) from limited office (LO) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Owner/Applicant: Griffin Engineering Group, Inc. (Gregory Griffin). City Staff: Sherri Sirwatis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20120322-086 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.

DISCUSSION ITEMS CONTINUED

4. Approve Service Extension Request No. 2998 for water service to the property known as the Austin Seventy One development, located at 10549 W. SH 71 located within the Drinking Water Protection Zone and the City's 2-mile extraterritorial jurisdiction.

The motion to approve service extension request number 2998 was approved on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was absent.

12. Authorize negotiation and execution of an amendment to the professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design services on the Second Street District Streetscape Improvement Project, in the amount of \$389,556 for a total contract amount not to exceed \$2,068,976. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 4.72% MBE and 7.58% WBE subconsultant participation to date)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Copley Wolff Design Group was approved Council Member Riley's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Morrison was absent.

Items 26 and 27 were acted on in a combined motion

26. Authorize negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, LLP, to provide legal services related to Texas Campaign for the Environment v. LCRA, 4:11-CV-00791, In the U.S. District Court for the Southern District of Texas, Houston Division, to increase funding in the amount of \$ 50,000, for a total contract amount not to exceed \$259,550

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, L.L.P. was approved on Council Member Martinez' motion, Council Member Spelman's second a 6-0 vote. Council Member Morrison was absent.

27. Authorize negotiation and execution of an amendment to the professional services agreement with John Hall Public Affairs, in connection with Texas Campaign for the Environment v. LCRA, 4:11-CV-00791, in the U.S. District Court for the Southern District of Texas, Houston Division, relating to the Fayette Power Plant, to increase funding in the amount of \$60,000, for a total contract amount not to exceed \$233,000.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with John Hall Public Affairs was approved on Council Member Martinez' motion, Council Member Spelman's second a 6-0 vote. Council Member Morrison was absent.
56. Authorize award, negotiation, and execution of a 36-month requirements service contract with JP Morgan Chase, or one of the other qualified offerors to RFP No. JSD0111, for depository services in an estimated amount not to exceed \$624,777, with two 12-month extension options in estimated amounts not to exceed \$230,364 for the first option, and \$308,507 for the second extension option, for a total estimated contract amount not to exceed \$1,163,648. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements service contract with JP Morgan Chase was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Council Member Morrison was absent.
57. Authorize award and execution of a 24-month requirements service contract with AMERICAN FACILITY SERVICES, or one of the other qualified bidders for IFB-BV No. KDW0070, to provide janitorial services at various Austin Energy locations in an estimated amount not to exceed \$1,057,024, with three 12 month extension options in an estimated amount not to exceed \$581,363 for the first extension option, \$634,214 for the second extension option and \$687,066 for the third extension option, for a total estimated contract amount not to exceed \$2,959,667. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion to reject the service contract with American Facility Services was approved on Council Member Martinez' motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison was absent. Council Member Martinez indicated an item from Council will be brought forward asking staff to create positions within the City to perform these services.

ZONING DISCUSSION ITEMS

Items 73 and 74 were acted on in a combined motion

73. NPA-2011-0023.01 - 6500 Manor Road - Approve second/third readings of an ordinance amending Ordinance No. 20070809-55, the University Hills/Windsor Park Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6500 and 6502 Manor Road (Little Walnut Creek Watershed) from Office land use to Commercial land use. On February 2, 2012, Neighborhood Mixed Use land use was approved on First Reading. Vote: 5-2, Council Members Morrison and Tovo voted nay. Owner/Applicant: Kennie and Mildred Sneed. City Staff: Maureen Meredith, 974-2695.
This item was postponed to April 5, 2012 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was absent.
74. C14-2011-0087 - 6500 Manor Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6500 and 6502 Manor Road (Little Walnut Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district zoning. On February 2,

2012, LR-MU-CO-NP district zoning was approved on First Reading. Vote: 5-2, Council Members Morrison and Tovo voted nay. Owner/Applicant: Sneed Realtors (Mildred and Kennie Sneed). City Staff Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to April 5, 2012 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was absent.

81. C14-2011-0163 - 3106 Fallwell Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3106 Fallwell Lane (Colorado River Watershed) from interim-single family residence (I-SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Owner/Applicant: Gustavo Aldama; Oscar Aldama. Agent: Austin Civil Engineering (Brent Hammond). City Staff: Wendy Rhoades, 974-7719.

This item was withdrawn by the applicant without object.

82. C14-2011-0103 - IBC Mueller View - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206, 1208, 1210, 1212, 1216 and 1218 East 51st Street (Tannehill Branch Watershed) from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Applicant: Tommie Bernal, Gary & Doyle Valdez, Larry Bartling, Thomas McDonald, Mueller View, L.P. & Austin Gay and Lesbian International Film Festival. Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter Cesaro). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20120322-082 for community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, to change a condition of zoning, was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was absent.

87. C14-2012-0020 - Lamar/Manchaca Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2807 Manchaca Road (West Bouldin Creek Watershed; Barton Creek Watershed-Barton Springs Zone) from community commercial (GR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: City of Austin Planning and Development Review Department. City Staff: Stephen Rye, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20120322-087 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Morrison was absent.

PUBLIC HEARINGS AND POSSIBLE ACTION

88. Conduct a public hearing and consider an ordinance to amend the regulating plan for the North Burnet/Gateway Zoning District to allow the continuation of certain industrial and commercial uses in an area of the neighborhood residential and neighborhood mixed use subdistricts until redevelopment requiring a site plan occurs.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120322-088 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was absent.

Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamation at 5:29 p.m.

LIVE MUSIC

Bobby Whitlock

PROCLAMATIONS

Proclamation -- Vietnam Veterans Day -- to be presented by Mayor Lee Leffingwell and to be accepted by John Miterko

Proclamation -- International Year of the Co-op -- to be presented by Mayor Lee Leffingwell and to be accepted by Kate Vickery

Proclamation -- Money Box Cap 2K 10th Annual Open Water Race & Pledge Swim -- to be presented by Council Member Laura Morrison and to be accepted by Dr. Keith Bell

Certificates of Congratulations -- 2012 GTOPs (Grant for Technology Opportunities Program) Grant Winners -- to be presented by Council Member Laura Morrison and to be accepted by the honorees

Proclamation -- Diabetes Alert Day -- to be presented by Council Member Laura Morrison and to be accepted by Jane Koble

Proclamation -- Autism Awareness Month -- to be presented by Council Member William Spelman and to be accepted by Traci Whitney and Max Whitney

Mayor Leffingwell called the Council Meeting back to order at 6:46 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION (Continued)

89. Conduct a public hearing and consider an ordinance creating an economic development program with APPLE INC. and authorizing the negotiation and execution of an Economic Development Agreement with APPLE INC.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120322-089 with the following amendment was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was absent. The amendment to the agreement between the City of Austin and APPLE, Inc., was to add a third paragraph to Section 1.01 to read, "In the execution of the contracts for Phase I and Phase II, APPLE will comply with all applicable state and federal laws relating to construction, including laws related to labor, equal employment opportunity, safety, and minimum wage; APPLE agrees to make commercially reasonable efforts to work with the Workers Defense Project in an effort to meet this obligation."

Mayor Leffingwell adjourned the meeting at 8:12 p.m. without objection.

The minutes for the regular meeting of March 22, 2012 were approved on this the 5th day of April 2012 on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.